

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In Re:

Bankruptcy No. 02-90004

Darren R. Grangruth,

Chapter 13 Case

Debtor(s)

**NOTICE OF HEARING AND APPLICATION FOR ALLOWANCE OF FEES AND
REIMBURSEMENT OF COSTS**

1. Schreiber Law Office, LLC (Applicant) moves the Court for allowance of fees and reimbursement of costs and gives notice of hearing.
2. The Court will hold a hearing on this application at 2:30 p.m. on September 1, 2004 in Courtroom 228A, United States Courthouse, 316 N. Robert Street, St. Paul, MN.
3. Any response to this application must be filed and delivered no later than 2:30 p.m. on August 23, 2004, which is seven days before the time set for the hearing (excluding Saturdays, Sundays & holidays), or filed and served by mail no later than August 18, 2004, which is ten days before the time set for the hearing (excluding Saturdays, Sundays & holidays). **UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**
4. The Court has jurisdiction pursuant to 28 U.S.C. §§ 157 and 1334, Bankruptcy Rule 5005, and Local Rule 1070-1. This proceeding is a core proceeding. The petition commencing this Chapter 13 case was filed on January 2, 2002. The Chapter 13 plan was confirmed on March 14, 2002,
5. This application arises under 11 U.S.C. §§ 330 and 331, Bankruptcy Rule 2016, and Local Rule 2016-1. Applicant requests allowance of fees and reimbursement of costs. Applicant is the debtor's attorney, and no order approving employment was necessary.
6. Applicant was employed by the debtor to commence and administer a Chapter 13 bankruptcy. The fee for this service was \$1,250, which has been paid. This fee only included legal matters related to the administration of the Chapter 13 bankruptcy.
7. Applicant and the debtor entered into a written retainer agreement. In addition to the fees for the administration of the Chapter 13 bankruptcy, the agreement also states that a fee of \$175.00 per hour will be assessed for legal matters outside the usual scope of the Chapter 13 bankruptcy.
8. On March 16, 2004, the debtor and his ex-wife signed a purchase agreement to sell their house at 1709 Sunset Street, Albert Lea, MN 56007. After the purchase agreement was signed, Albert Lea

Abstract Co. informed the debtor that a judgment in favor of a Chapter 13 creditor, Peterson, Savelkoul, Schlichting & Davies, Ltd., would impact the ability to finalize closing on the property.

9. The existence of the judgment constituted a judicial lien on the property that the debtor was trying to sell. In order for closing on the sale to be finalized, the lien needed to be removed. However, removal of the lien was not necessary to the continuation of the Chapter 13 bankruptcy.

10. On May 11, 2004, Applicant filed a Motion to Avoid Judicial Lien. This motion resulted in a Stipulation between Applicant and Peterson, Savelkoul, Schlichting & Davies, Ltd. on June 9, 2004. As a result of the Stipulation, closing on the property was finalized.

11. The total fees and expenses requested by this application is \$766.63. Applicant has not yet been paid any money for legal fees or costs incurred.

12. A detailed itemization of the services performed and time spent is attached.

13. All services were rendered on behalf of the debtor and no other person or entity. The services were reasonable and necessary for the removal of the judicial lien.

14. There is no agreement between the Applicant and another party for sharing of any compensation received

15. The hourly rate charged for this matter is the customary hourly rate charged by Applicant for services in all matters.

WHEREFORE, Applicant respectfully requests that the Court grant an Order as follows:

- (1) Allowing compensation and reimbursement of expenses to Schreiber Law Office, LLC in the amount of \$766.63;
- (2) Authorizing the Chapter 13 Trustee to disburse to Schreiber Law Office, LLC plan funds as a priority claim; and
- (3) for such additional or alternative relief as may be just and proper.

Dated: July 21, 2004

Respectfully submitted

Schreiber Law Office, LLC.

By: /e/ Richard M. Schreiber
Richard M. Schreiber
Atty. ID No. 027057X
P.O. Box 2273
Inver Grove Hts., MN 55076.
(651) 554-0121

SCHREIBER LAW OFFICE, LLC

6566 Cahill Avenue
P.O. Box 2273
Inver Grove Heights, MN 55076
Phone: (651) 554-0121
Fax: (651) 554-0122

Richard M. Schreiber, Attorney

June 11, 2004

INVOICE FOR:

Darren Grangruth
701 3rd St. SW
Waseca, MN 56093

<u>DATE</u>	<u>PROFESSIONAL SERVICES RENDERED BY RICHARD M. SCHREIBER</u>	<u>HOURS(\$175/hr)</u>	<u>AMOUNT</u>
4/28/04	Phone call with client regarding judicial lien on his property.	0.4	\$70.00
4/29/04	Phone call with Linda Tuttle at Albert Lea Abstract Co. re judicial lien	0.2	\$35.00
4/29/04	Prepared and faxed letter to Linda Tuttle stating intention to file a Motion to Avoid Judicial Lien	0.3	\$52.50
4/29/04	Phone call with client re lien	0.4	\$70.00
4/29/04	Prepared Affidavit, mailed to client	0.4	\$70.00
5/7/04	Prepared Motion to Avoid Judicial Lien, Exhibits, Memorandum of Law, Proposed Order	1.5	\$262.50
5/11/04	Filed Motion to avoid Judicial Lien and related documents, prepared copies for service on other parties	0.4	\$70.00
5/28/04	Phone call with Jim Schlichting re possible stipulation	0.1	\$17.50
6/2/04	Prepared Stipulation and mailed to Jim Schlichting	0.3	\$52.50
6/8/04	Served Stipulation to other parties	0.2	\$35.00
6/9/04	Filed Stipulation	<u>0.1</u>	<u>\$17.50</u>
	TOTAL:	4.3	\$752.50

ADDITIONAL CHARGES:

4/29/04	Postage	\$0.37
5/11/04	Copies (.10/page)	\$9.20
5/11/04	Postage	\$1.48
6/8/04	Copies (.10/page)	\$1.60
6/8/04	Postage	<u>\$1.48</u>
	TOTAL	\$14.13

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Bankruptcy No. 02-90004

Darren R. Grangruth,

Debtor.

Chapter 13 Case

ORDER

The above-entitled matter came before the Honorable Dennis D. O'Brien at the United States Courthouse, 316 North Robert St., St. Paul, MN on the _____ day of _____, 2004. Richard M. Schreiber appeared on behalf of the Applicant. Other appearances are noted in the record.

The Application before the Court was for the allowance of fees and reimbursement of costs to Schreiber Law Office, LLC for services rendered on a Motion to Avoid Judicial Lien.

IT IS HEREBY ORDERED:

1. Schreiber Law Office, LLC is allowed compensation in the amount of \$752.50 and reimbursement of expenses in the amount of \$14.13, for a total of \$766.63.
2. The Chapter 13 Trustee is authorized to disburse to Schreiber Law Office, LLC, as a priority claim, plan funds being held pursuant to the terms of the chapter 13 plan for payment of allowed attorneys fees.
3. Copies of this Order shall be served upon the parties hereto.

Date: _____

The Honorable Dennis D. O'Brien
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

UNSWORN DECLARATION OF
PROOF OF SERVICE

Darren R. Grangruth

Bankruptcy No. 02-90004

Debtor(s)

I, Richard M. Schreiber, licensed to practice law in this Court, with an office address of P.O. Box 2273, Inver Grove Heights, MN 55076, declare that on July 23, 2004, I served a copy of the Application For Allowance of Fees and Reimbursement of Costs, upon each of the entities named below either personally (as indicated) or by mailing to each of them a copy thereof by enclosing same in envelope with first class postage prepaid and depositing same in the post office at Inver Grove Heights, MN, addressed to each of them as follows:

Copy to Debtor

Darren Grangruth
701 3rd St. SW
Waseca, MN 56093

Copy to United States Trustee:

United States Trustee
1015 U.S. Courthouse
300 South 4th St.
Minneapolis, MN 55415

Copy to Trustee:

Jasmine Z. Keller
310 Plymouth Building
12 South 6th St.
Minneapolis, MN 55402

Copy to Creditors :

CAPITAL ONE
P.O. BOX 60000
SEATTLE, WA 98190-6000

CITY COUNTY CREDIT UNION
221 E. CLARK ST
ALBERT LEA, MN 56007

HOUSEHOLD BANK
C/O ECAST SETTLEMENT CORP
P.O. BOX 35480
NEWARK, NJ 07193-5480

HOUSEHOLD BANK
P.O. BOX 5222
CAROL STREAM, IL 60197-5222

MBNA
C/O MAX FLOW CORP
P.O. BOX 2434
CAROL STREAM, IL 60132-2434

MBNA
P.O. BOX 15026
WILMINGTON, DE 19850-5026

NCO FINANCIAL SYSTEMS
P.O. BOX 7400
PHILADELPHIA, PA 19101-7400

PETERSON, SAVELKOUL, SCHLICHTING & DAVIES, LTD.
211 S NEWTON AVE
ALBERT LEA, MN 56007

WELLS FARGO
P.O. BOX 10347
DES MOINES, IA 50306-0347

WELLS FARGO HOME MORTGAGE
P.O. BOX 10499
DES MOINES, IA 50306-0499

and I declare, under penalty of perjury, that the foregoing is true and correct.

Date: July 23, 2004

Signed: /e/ Richard M. Schreiber